

Senate File 499

H-1327

1 Amend the amendment, H-1299, to Senate File 499, as
2 passed by the Senate, as follows:

3 1. Page 24, by striking line 11 and inserting <of
4 the succeeding fiscal year.

5 DIVISION

6 MISCELLANEOUS PROVISIONS — NUISANCE PROPERTIES AND
7 ABANDONED BUILDINGS

8 Sec. _____. Section 15.335B, subsection 2, paragraph
9 a, Code 2015, is amended by adding the following new
10 subparagraph:

11 NEW SUBPARAGRAPH. (8) For deposit in the nuisance
12 property remediation fund created pursuant to section
13 15.338.

14 Sec. _____. NEW SECTION. 15.338 Nuisance property
15 remediation assistance — fund.

16 1. a. The economic development authority shall
17 establish a nuisance property remediation fund pursuant
18 to section 15.106A, subsection 1, paragraph "o",
19 for purposes of providing financial assistance to
20 cities for the remediation of nuisance properties
21 and abandoned buildings and other structures. The
22 authority shall administer the fund in a manner
23 designed to make funds annually available to cities for
24 purposes of this section.

25 b. The authority may administer a fund established
26 for purposes of this section as a revolving fund. The
27 fund may consist of any moneys appropriated by the
28 general assembly for purposes of this section and
29 any other moneys that are lawfully available to the
30 authority, including moneys transferred or deposited
31 from other funds created pursuant to section 15.106A,
32 subsection 1, paragraph "o".

33 c. The authority shall use any moneys specifically
34 appropriated for purposes of this section only for the
35 purposes of this section. The authority may use all
36 other moneys in the fund, including interest, earnings,
37 recaptures, and repayments for purposes of this section
38 or the authority may transfer the other moneys to other
39 funds created pursuant to section 15.106A, subsection
40 1, paragraph "o".

41 d. Notwithstanding section 8.33, moneys in the
42 nuisance property remediation fund at the end of each
43 fiscal year shall not revert to any other fund but
44 shall remain in the fund for expenditure for subsequent
45 fiscal years.

46 e. The authority may use not more than five percent
47 of the moneys in the fund at the beginning of the
48 fiscal year for purposes of administrative costs,
49 finance, compliance, marketing, and program support.

50 2. The authority shall use moneys in the fund

1 to provide financial assistance to cities for the
2 remediation of nuisance properties and abandoned
3 buildings and other structures. Such financial
4 assistance may include grants, loans, forgivable loans,
5 or other forms of financial assistance as necessary to
6 effectuate the purposes of this section. The authority
7 may provide financial assistance under this section
8 using a competitive scoring process.

9 3. In providing financial assistance under this
10 section, the authority may give priority to cities
11 with severe blighted areas, widespread dilapidated
12 housing stock, or high rates of low or moderate income
13 residents.

14 4. The authority shall enter into an agreement with
15 each city for the receipt of financial assistance under
16 this section. The authority may negotiate the terms
17 of the agreement.

18 5. In providing financial assistance under this
19 section, the authority shall coordinate with a city to
20 develop a plan for the use of funds that is consistent
21 with the community development, housing, and economic
22 development goals of the city. The terms of the
23 agreement entered into pursuant to subsection 3 and the
24 use of financial assistance provided under this section
25 shall reflect the plan developed based on a city's
26 goals.

27 6. If a city receives financial assistance under
28 this section, the amount of any lien created for costs
29 related to remediation of the property, shall not
30 include any moneys that the city received pursuant to
31 this section to remediate the property.

32 7. The authority shall submit a report to the
33 general assembly and the governor's office on or
34 before January 31, 2019, describing the results of the
35 program implemented pursuant to this section and making
36 recommendations for additional program changes.

37 Sec. _____. Section 657A.1, subsections 1 and 3, Code
38 2015, are amended to read as follows:

39 1. "*Abandoned*" or "*abandonment*" means that a
40 building has remained vacant and has been in violation
41 of the housing code or building code of the city in
42 which the property is located or the housing code or
43 building code applicable in the county in which the
44 property is located if outside the limits of a city for
45 a period of six consecutive months.

46 3. "*Building*" means a building or structure located
47 in a city or outside the limits of a city in a county,
48 which is used or intended to be used for commercial
49 or industrial purposes or which is used or intended
50 to be used for residential purposes, and includes a

1 building or structure in which some floors may be used
2 for retail stores, shops, salesrooms, markets, or
3 similar commercial uses, or for offices, banks, civic
4 administration activities, professional services, or
5 similar business or civic uses, and other floors are
6 used, designed, or intended to be used for residential
7 purposes.

8 Sec. _____. Section 657A.10A, subsection 1, paragraph
9 b, Code 2015, is amended to read as follows:

10 b. The petition shall be filed in the district
11 court of the county in which the property is located.
12 Service on the owner and any other named respondents
13 shall be by personal service or certified mail and or,
14 if service cannot be made by either method, by posting
15 the notice in a conspicuous place on the building and
16 by publication in a newspaper of general circulation in
17 the city. The action shall be in equity.

18 Sec. _____. Section 657A.10A, subsection 3,
19 paragraphs d, f, and j, Code 2015, are amended to read
20 as follows:

21 d. Whether the building meets the city's housing
22 code ~~for~~ as being fit for human habitation, occupancy,
23 or use.

24 f. Whether the building is boarded up or otherwise
25 secured from unauthorized entry.

26 j. Past and current compliance with orders of the
27 local housing or building code official.

28 Sec. _____. Section 657A.10A, subsection 3,
29 Code 2015, is amended by adding the following new
30 paragraphs:

31 NEW PARAGRAPH. 0e. Whether the building meets the
32 city's building code as being fit for occupancy or use.

33 NEW PARAGRAPH. 0h. Whether those claiming an
34 interest in the property have, prior to the filing
35 of the petition, demonstrated a good-faith effort to
36 restore the property to productive use.

37 Sec. _____. Section 657A.10A, subsections 4 and 5,
38 Code 2015, are amended to read as follows:

39 4. In lieu of the considerations in subsection 3,
40 if the city can establish to the court's satisfaction
41 that all parties with an interest in the property have
42 received proper notice and either consented to the
43 entry of an order awarding title to the property to the
44 city or did not make a ~~good-faith~~ good-faith effort to
45 comply with the order of the local housing or building
46 code official within sixty days after the filing of the
47 petition, the court shall enter judgment against the
48 respondents granting the city title to the property.

49 5. If the court determines that the property has
50 been abandoned or that subsection 4 applies, the court

1 shall enter judgment and order awarding title to the
2 city. The title awarded to the city shall be free and
3 clear of any claims, liens, or encumbrances held by the
4 respondents.>

5 2. Page 24, line 13, after <institutions,> by
6 inserting <modifying programs and duties of the
7 economic development authority,>

8 3. By renumbering, redesignating, and correcting
9 internal references as necessary.

STECKMAN of Cerro Gordo